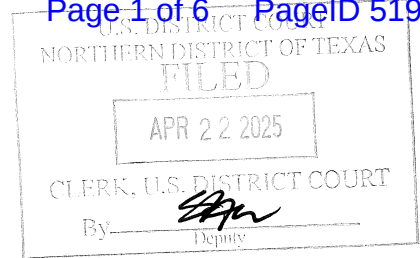**Motion to Dismiss**

DEFENDANT EDJ ENTERPRISES, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO RULE 12(b)(6)

Defendant EDJ Enterprises, Inc. ("Defendant"), respectfully moves this Court to dismiss the Plaintiff's Amended Complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted. In support, Defendant states as follows:

I. INTRODUCTION

This lawsuit arises from a single outbound call made on May 3, 2024, to a third-party aged lead labeled as "Jazmine." The individual later turned out to be Plaintiff Kelly Bland. The call was made in good faith based on lead data sold as compliant and scrubbed against the National DNC list. The Plaintiff responded positively, requested a follow-up email, and scheduled a call for the following day. After one follow-up call where Plaintiff declined further interest, Defendant never contacted her again.

The claim lacks the elements of a valid TCPA violation and appears to be an opportunistic setup, not a genuine case of unlawful conduct.

II. FACTUAL BACKGROUND

1. In May 2024, EDJ Enterprises purchased aged leads from a third-party marketing source. The

leads were sold as DNC-compliant and opt-in verified.

2. On May 3, 2024, Defendant placed a call to a contact identified as "Jazmine."

3. Jazmine was pleasant, requested additional information via email, and agreed to a follow-up call on May 4, 2024, at 9:00 a.m.

4. On May 4, 2024, Defendant called again as scheduled. Plaintiff declined further interest and the contact ended permanently.

5. The email address used by Plaintiff (kpinn516@gmail.com) and the alias "Jazmine" obscured her true identity as Kelly Bland.

6. Plaintiff initiated this lawsuit months later, making no prior complaint, opting instead to pursue litigation.

7. Defendant was never integrated with Our World Energy LLC's dialer, systems, or operations in any way.

III. ARGUMENT

To state a claim under the TCPA, a plaintiff must allege:

- Use of an autodialer

- Calls made without consent

- Multiple unwanted calls

- Harm or disturbance

Plaintiff fails to allege:

- That an ATDS (automatic telephone dialing system) was used

- That she didn't express interest

- That there was any repeated contact

- That any actual harm occurred

The single interaction was clearly consensual based on her conduct - including requesting a follow-up, giving a fake name, and using a misleading email.

Given the facts, the Complaint does not rise to the level of a valid TCPA violation, and this Court should dismiss the case with prejudice.

IV. CONCLUSION

Defendant respectfully requests this Court grant this Motion to Dismiss the Plaintiff's Amended Complaint in its entirety, with prejudice.

Respectfully submitted,

EDJ ENTERPRISES, INC.

By: /s/ Eric DeJohn

Eric DeJohn

Owner & Authorized Representative

Eric DeJohn

Owner & Authorized Representative

27265 St Andrews Ave

Wesley Chapel, FL 33544

315-256-2154

edj@ericdejohn.com

Date: April 21, 2025

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2025, a true and correct copy of the foregoing Motion to Dismiss was served via email and/or ECF filing to:

Anthony Paronich - anthony@paronichlaw.com

Andrew Perrong - a@perronglaw.com

To the Clerk of Court,

Please find enclosed the following documents for filing in Case No. 4:24-cv-00994-P (Bland v. Our World Energy LLC et al.):

1. Defendant EDJ Enterprises, Inc.'s Motion to Dismiss
2. Defendant EDJ Enterprises, Inc.'s Motion for Extension of Time to Respond

These filings are submitted pro se. Copies of these documents have also been served to Plaintiff's counsel via email on April 21, 2025.

Respectfully,

Eric DeJohn
Owner, EDJ Enterprises, Inc.
27265 St Andrews Ave
Wesley Chapel, FL 33544
edj@ericdejohn.com
315-256-2154

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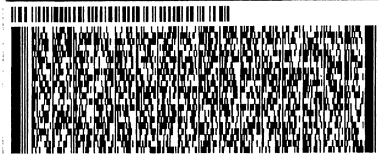UNITED STATES US

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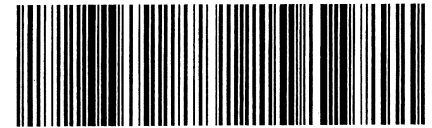FORT WORTH TX 76102
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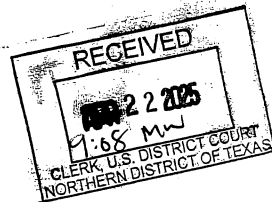INV:
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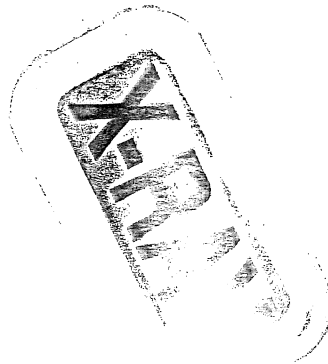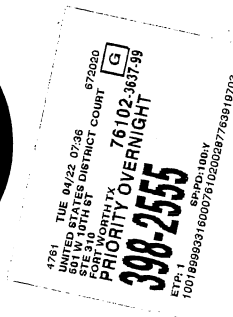0201

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